

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

IN RE: ZOSTAVAX (ZOSTER VACCINE : MDL NO. 2848
LIVE) PRODUCTS LIABILITY :
LITIGATION : CIVIL ACTION NO. 18-md-2848

THIS DOCUMENT RELATES TO:

JOHN MICHAEL BUSH and JOHNNY
MITCHELL v. MERCK & CO., INC.,
et al.
Civil Action No. 19-1117

RICHARD DOMAN and MAUREEN M.
DOMAN v. MERCK & CO., INC.,
et al.
Civil Action No. 18-20118

DAVID R. ELMEGREEN as Trustee of
THE SUE A. ELMEGREEN TRUST v.
MERCK & CO., INC., et al.
Civil Action No. 17-2044

JOHN NIEDZIALOWSKI and KATHERINE
NIEDZIALOWSKI v. MERCK & CO.,
INC., et al.
Civil Action No. 19-20025

EMILY SANSONE v. MERCK & CO.,
INC., et al.
Civil Action No. 18-20114

PRETRIAL ORDER NO. 402

AND NOW, this 10th day of November, 2021, for the reasons stated in the foregoing Memorandum, it is hereby ORDERED that the motion of defendants Merck & Co., Inc. and Merck Sharp & Dohme for summary judgment based on preemption of plaintiffs' design defect claims is DENIED.

BY THE COURT:

/s/ Harvey Bartle III

J.